

MONTANA LEGISLATIVE HISTORY

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Chapter 616 19 93

Bill H 142 S _____ Original bill & history C

H. Committee on Judiciary

Hearing Date(s) Jan 15 ☒ C

Jan 22 ☒ C

_____ ☐ C

_____ ☐ C

Date Out Jan 22 ☒ C

S. Committee on Judiciary

Hearing Date(s) Mar 23 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Mar 24 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

Note: A Conference Committee was appointed. Its minutes were not recorded.

3/08	2ND READING CONCURRED	40	3
3/09	3RD READING CONCURRED	43	5
	RETURNED TO HOUSE WITH AMENDMENTS		
3/31	2ND READING AMENDMENTS CONCURRED	94	1
4/02	3RD READING AMENDMENTS CONCURRED	89	10
4/07	SIGNED BY SPEAKER		
4/13	SIGNED BY PRESIDENT		
4/14	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 393		
	EFFECTIVE DATE: 10/01/93		

HB 140 INTRODUCED BY VOGEL

INCREASE PENALTY FOR VIOLATING FUEL CONSERVATION SPEED LIMIT;
ALLOCATE FINE

1/11	INTRODUCED		
1/11	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/11	FIRST READING		
1/11	FISCAL NOTE REQUESTED		
1/16	FISCAL NOTE RECEIVED		
1/18	FISCAL NOTE PRINTED		
1/18	HEARING		
1/25	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/28	REVISED FISCAL NOTE REQUESTED		
2/03	REVISED FISCAL NOTE RECEIVED		
2/03	REVISED FISCAL NOTE PRINTED		
2/06	2ND READING DO NOT PASS AS AMENDED	65	31

HB 141 INTRODUCED BY SPRING, ET AL.

ALLOW NONVOTING HIGH SCHOOL TRUSTEE POSITION TO BECOME
VOTING POSITION

1/12	INTRODUCED		
1/12	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/12	FIRST READING		
1/18	HEARING		
1/20	COMMITTEE REPORT—BILL PASSED		
1/22	2ND READING PASSED	97	1
1/25	3RD READING PASSED	96	1
	TRANSMITTED TO SENATE		
1/27	FIRST READING		
1/27	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/01	HEARING		
2/12	TABLED IN COMMITTEE		

HB 142 INTRODUCED BY ANDERSON

INCREASE TO \$750 THE AMOUNT REQUIRED TO BE INVOLVED IN VARIOUS
CRIMES BEFORE PENALTIES FOR THOSE CRIMES ARE INCREASED

1/12	INTRODUCED		
1/12	REFERRED TO JUDICIARY		
1/12	FIRST READING		
1/19	HEARING		
1/26	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/29	2ND READING PASSED AS AMENDED	51	48
1/29	SEGREGATED FROM COMMITTEE OF THE WHOLE REPORT AND PLACED ON 2ND READING		
1/30	2ND READING PASSED AS AMENDED	95	3
2/03	3RD READING PASSED	79	14

	TRANSMITTED TO SENATE		
2/04	FIRST READING		
2/04	REFERRED TO JUDICIARY		
3/23	HEARING		
3/25	COMMITTEE REPORT—BILL CONCURRED AS AMENDED	49	0
3/26	2ND READING CONCURRED	43	5
3/27	3RD READING CONCURRED		
	RETURNED TO HOUSE WITH AMENDMENTS		
4/01	2ND READING AMENDMENTS NOT CONCURRED	77	19
4/02	CONFERENCE COMMITTEE APPOINTED		
4/16	CONFERENCE COMMITTEE REPORT NO. 1		
4/17	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 REJECTED	57	38
	SENATE		
4/05	CONFERENCE COMMITTEE APPOINTED		
4/15	CONFERENCE COMMITTEE REPORT NO. 1		
4/16	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/17	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	39	0
	HOUSE		
4/22	CONFERENCE COMMITTEE REPORT NO. 2		
4/22	2ND READING CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	87	10
4/22	3RD READING CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	86	13
	SENATE		
4/22	CONFERENCE COMMITTEE REPORT NO. 2		
4/24	2ND READING CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	49	0
4/24	3RD READING CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	49	0
4/28	SIGNED BY SPEAKER		
4/28	SIGNED BY PRESIDENT		
4/29	TRANSMITTED TO GOVERNOR		
5/06	SIGNED BY GOVERNOR CHAPTER NUMBER 616 EFFECTIVE DATE: 10/01/93		

HB 143 INTRODUCED BY SWANSON, ET AL.
REVISE FOUNDATION FUNDING FOR HIGH SCHOOL WITH FEWER THAN 25
AVERAGE NUMBER BELONGING

1/12	INTRODUCED
1/12	FISCAL NOTE REQUESTED
1/12	FIRST READING
1/13	REFERRED TO EDUCATION & CULTURAL RESOURCES
1/16	FISCAL NOTE RECEIVED
1/18	FISCAL NOTE PRINTED
1/20	HEARING
1/22	TABLED IN COMMITTEE

HB 144 INTRODUCED BY STANFORD, ET AL.
PROVIDE DEFINITION OF "INDEPENDENT LIVING" FOR VOCATIONAL
REHABILITATION LAWS

1/12	INTRODUCED
1/12	REFERRED TO HUMAN SERVICES & AGING
1/12	FIRST READING

Closing by Sponsor:

REP. BOHLINGER closed by saying that the intent of this bill is to deal with a problem developing in Montana schools. Out of 410 juvenile offenses, 187 youngsters were arrested and 210 went free. This is an effort to deal with the 54 percent that slipped through the cracks.

HEARING ON HB 142Opening Statement by Sponsor:

REP. SHIELL ANDERSON, HD 1, Livingston, said that HB 142 raises the dollar amount of the differential between a misdemeanor and felony on criminal property crimes, e.g., criminal mischief, theft, forgery, failure to return leased property, unlawful use of a computer, issuing bad checks, unauthorized acquisition, transfer of food stamps and deceptive practices.

Proponents' Testimony:

Beth Baker, Department of Justice, County Attorneys, stated that this bill, proposed by the Montana County Attorney's Association, increases the threshold amount for felony property crimes from \$300 to \$1,000. HB 142 would affect nine property crimes, and each crime would be a felony only if the amount involved exceeds \$1,000. EXHIBIT 6

Bob McCarthy, Butte-Silver Bow County Attorney's Association (BSBCAA), said that courts do not ever treat a threshold very seriously. It is better to enforce a threshold in justice court, as justice courts treat felonies very seriously. Raising the threshold will take a great deal of handling in district courts; justice court will handle them more expediently.

Opponents' Testimony:

Randy Harrington, private citizen, contended that \$300 does not represent a serious crime. At the retail level, it is hard to get that kind of money from an offender. Raising the felony from \$300, which is the average weekly salary in Montana, to \$1,000, which is the average monthly salary in Montana, will only help county attorneys.

Questions From Committee Members and Responses:

REP. TIM SAYLES asked Ms. Baker how many counties were sent questionnaires and why only 13 sent replies. Ms. Baker said that 13 replies is an insignificant amount and wouldn't change the statute.

In response to a question of REP. DAVE BROWN about how fine money is distributed between city court, justice court, and district court, Mr. McCarthy said that city court and justice court keep the same amount of money.

REP. VOGEL referred to HB 142 as the "crime does pay" bill. For instance, \$990 would be a misdemeanor, and the maximum fine that can be imposed for a misdemeanor in a theft statute is only \$500. REP. ANDERSON said that would be for the first offense.

CHAIRMAN FAGG said he supports this bill and asked Mr. McCarthy if Butte/Silver-Bow is similar to Yellowstone County where district court judges for the 13th judicial district very rarely fine anybody. Mr. McCarthy said that district judges do not want to be in the business of collecting fines. Mr. McCarthy's experience has been that fines are imposed with more severity and much more consistency in justice court or city court.

REP. TOOLE asked Mr. McCarthy what impact this bill would have on jail populations, especially in larger counties. Mr. McCarthy said there will probably be an increase in jail population. There is a greater likelihood of incarceration for offenders under justice courts than there is in district courts.

REP. BROWN asked Mr. McCarthy where city court fine money is appropriated. Mr. McCarthy said that money from ordinance violations goes 100 percent to city parks. When there is a violation of a state statute, the money goes to the city.

Closing by Sponsor:

REP. ANDERSON noted that covered offenses, as Mr. McCarthy said, will be more vigorously prosecuted in JP and city courts. An increase in the threshold reflects a more realistic number, considering it has been at \$300 for the past ten years.

HEARING ON HB 151

Opening Statement by Sponsor:

REP. RANDY VOGEL, House District 86, Billings, said that this bill defines the term "criminal justice agency" to include agencies of foreign nations that administer criminal justice. He said that Montana is the only state that does not include foreign countries as a justice agency. These agencies would be allowed the dissemination of criminal information to state law enforcement agencies, with the consent of the Justice Department.

Proponents' Testimony:

Beth Baker, Department of Justice, County Attorneys, stated that

EXHIBIT 6
DATE 1-19-93
142

HOUSE BILL 142

Testimony of Beth Baker
Department of Justice and Montana County Attorneys Association

This bill was proposed by the Montana County Attorneys Association to increase from \$300 to \$1,000 the threshold amount for felony property crimes. The bill is rather lengthy because of the number of sections, but the changes are not complicated.

The bill would affect the following nine property crimes, and in each would make the crime a felony only if the amount involved exceeds \$1,000:

- Criminal mischief, § 45-6-101, MCA
- Theft, § 45-6-301, MCA
- Failure to return rented or leased personal property, § 45-6-309, MCA
- Unlawful use of a computer, § 45-6-311
- Unauthorized acquisition or transfer of food stamps, § 45-6-312, MCA
- Issuing bad check, § 45-6-316, MCA
- Deceptive practices, § 45-6-317, MCA
- Forgery, § 45-6-325, MCA
- False claims to public agencies, § 45-7-210, MCA

The last time the threshold amount for felony property crime was increased was in 1983, when it rose from \$150 to \$300. The effect of this bill will be to reduce the number of felony property crime prosecutions, relieving some of the burden on the district courts and reflecting more appropriately modern property values.

We attempted to determine how this would affect felony prosecutions within the state. Fourteen counties responded to our inquiry, and for 13 of those counties, 126 felonies would have been

misdemeanors under the proposed legislation. One county, Ravalli, did not respond with numbers but indicated that the proposed legislation would have affected 35% of its property crime caseload.

The legislation may also affect the number of appeals that must be handled by the Montana Supreme Court. I handled an appeal a couple of years ago arising out of the theft of an aluminum birdbath from a person's front yard. Last fall, the Supreme Court considered a theft case where the amount in question was only \$400, arising out of the theft of some items from a bunkhouse. The defendants in that case also were convicted of felony burglary for having broken into the bunkhouse to steal the property.

Finally, this legislation will not affect property crimes involving domesticated hoofed animals. Both the criminal mischief and the theft statutes are phrased in the alternative; thus, felony penalties are imposed for theft of property exceeding \$1,000 in value OR theft of any commonly domesticated hoofed animal. It need not be established that the animal's value exceeded \$1,000.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

JUDICIARY COMMITTEE BILL NO. HB 142
DATE Jan. 19, 1993 SPONSOR(S) J. Anderson
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Beth Baker	Dept of Justice / County Attys	✓	
CRAIG L. Hopp	MT MAGISTRATES ASSOC.	X	
Bob McPartlin	Bills - Libs / Pro County Attorneys	✓	
Laune Kohn	Christian Coalition of MT	✓	
JOE ROBERTS	MT. County Atty. Assoc.	✓	
Roxley Harrington	private citizen		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

section of. In REP. BROWN'S amendments, on the bottom of page 2, third line from the bottom, insert the same language.

Motion: REP. BROWN moved the amendment. The question was called on the amendment.

Vote: Amendment carried unanimously 18-0.

Further Discussion on the bill as amended.

REP. VOGEL asked REP. BROWN where all the fees are being appropriated. REP. BROWN answered that this bill doesn't deal with the distribution. However, the \$100 comes from drivers license reinstatement for DUI arrests, and \$50 of the \$100 goes to the DUI Task Forces in those 18 counties that have DUI Task Forces. That generates about \$300,000 a year of which \$210,000 goes to those 18 programs. The other \$90,000 is not used and is stored in the General Fund. There will be a bill from the Attorney General's office to use that to repair police department gas chromatographs across Montana. The second \$50 goes to the county of origin. It is currently unclear where the money will be distributed. REP. BROWN drafted a bill which indicates the county or city from which the fines come. Those funds can be used by the D.A.R.E. program, teen institutes at the Y.M.C.A. for drug/alcohol abuse, or for sheriff's equipment, and that's all in existing statute.

REP. TIM SAYLES asked if some of the money could be appropriated to the fire departments of the counties and cities. REP. BROWN said the fire departments must establish a clear relationship between drunk driving and it's abuse towards fire department equipment. REP. SAYLES said he would provide proof, i.e. testimony and video tapes displaying how alcohol and drunk driving affects the fire department and its equipment. REP. BROWN remarked that when it gets to the committee, he'll have an amendment prepared that REP. SAYLES could offer that does that as long as it's related to alcohol arrests.

Motion/Vote: The question was called on the bill as amended.

Vote: HB 128 AS AMENDED CARRIED UNANIMOUSLY 18-0.

EXECUTIVE ACTION ON HB 142

REP. BROWN offered amendments to raise the level of threshold to \$1,000 but not to change the fines at all. He said in the majority of these cases, the court has trouble collecting the fines. He thought reasonable restitution for defendants would be

public service. He added the courts did not want the fines raised because they aren't comfortable leaving that much authority in justice court either.

Motion: REP. BROWN moved to remove all amendments placed on HB 142 at the last hearing and return it to its original form with the exception of Amendment 4 which is the suggestion of the Attorney General's office to provide non-gendering in the bill.

Discussion:

REP. VIVIAN BROOKE concurred with REP. BROWN and supported the amendment.

CHAIRMAN FAGG asked Mr. Roberts, County Attorneys' Association, for his opinion on REP. BROWN'S amendment. Mr. Roberts said the CAA will fully support this amendment, and agreed that REP. BROWN is accurate in stating that the initial impetus for this legislation was simply to do what REP. BROWN is trying to do. The penalties were included to take care of some concerns, but they have further confused the bill.

Motion/Vote: Question was called to put the bill back into its original form except for Amendment No. 4.

Vote: Those in favor of the motion were CHAIRMAN FAGG, REPS. BERGMAN, BIRD, BROOKE, BROWN, CLARK, GRIMES, MCCULLOCH, RICE, RUSSELL, SAYLES, SMITH, TASH, TOOLE, WHALEN, WINSLOW, and WYATT. REP. VOGEL voted no.

Further discussion on the bill as amended.

REP. VOGEL clarified that the threshold is back to \$1,000, the maximum allowable fine is \$500 on the first offense, and restitution can be collected. REP. VOGEL spoke to the Billings' city attorney, and her comments were "This is going to overwhelm my court." In 1992, there were 19,000 complaints made through city court. At present, in the Billings city court, which has only allowed one judge under statute, court dates are backed up to the point that if Billings backs up anymore, speedy trials are going to be a problem, and the judge is going to dismiss those cases because she will not be allowed to handle them during that time.

REP. BROWN said if REP. VOGEL were to offer an amendment for the threshold to go from \$1,000 to \$500 or \$600, REP. BROWN would vote for it.

REP. VOGEL offered an amendment that the threshold be reduced from \$1,000 to \$500.

REP. WHALEN opposed the amendment. He said the bill would change the difference between what a misdemeanor and what a felony is. He said the court has limited jurisdiction, including

city and municipal courts and justices of the peace, have jurisdiction to prosecute misdemeanors but not felonies; therefore, we are giving ourselves an increased number of cases that can be prosecuted in the justice courts and the city courts. He continued that's not to say that the district courts will then be prohibited from handling these cases, they can still do it. REP. WHALEN'S said it is his opinion that the courts in each county should distribute that caseload among the courts that are there, and he'd like to see the fine left at \$1,000 in the bill as originally proposed.

REP. VOGEL said the intent of this bill is to take that caseload out of the district courts and shift them into the city and justice courts since district courts are overloaded.

Motion/Vote: Question was been called to reduce the threshold from \$1,000 to \$500. Amendment carried 10-7. Those who voted to reduce the threshold from \$1,000 to \$500 are REPS. VOGEL, BROWN, BERGMAN, CLARK, GRIMES, MCCULLOCH, RICE, RUSSELL, SAYLES, and TASH. Those voting not to reduce the threshold are CHAIRMAN FAGG, REPS. BIRD, BROOKE, TOOLE, WHALEN, WINSLOW, and WYATT.

Motion/Vote: HB 142 DO PASS AS AMENDED. Motion carried 12-5. Those in favor of the bill as amended are CHAIRMAN FAGG, REPS. BERGMAN, BROOKE, BROWN, CLARK, RICE, RUSSELL, SAYLES, TASH, TOOLE, VOGEL, and WHALEN. Those voting no are REPS. BIRD, GRIMES, MCCULLOCH, WINSLOW and WYATT.

EXECUTIVE ACTION ON SB 12

Motion: REP. BROWN MOVED SB 12 BE CONCURRED IN.

Discussion:

REP. BROOKE moved the amendment below. Page 2, line 4 says that an individual who is convicted must, at the request of the victim, be administered testing. REP. BROOKE believes the individual who is convicted of the sexual offense should be required to be tested. She emphasizes the test, at that particular time, may not show any results, and she hopes there would be a way to defer testing. She does not like only one test administered and encourages further testing.

1. Page 2, lines 7 through 9.

Strike: "Because" on line 7 through end of line 9

Insert: "Upon the request of the victim or the victim's representatives, testing and the test results must be made available for the victim's information. Testing information may or may not reveal exposure to the HIV virus. If exposed, the victim can"

HOUSE STANDING COMMITTEE REPORT

January 22, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 142 (first reading copy -- white) do pass as amended .

Signed: Russ Fagg
Russ Fagg, Chair

And, that such amendments read:

1. Title, line 4.

Strike: "\$1,000"

Insert: "\$500"

2. Page 17, lines 16 and 18.

Page 19, line 12.

Page 21, line 25.

Page 22, line 9.

Page 23, lines 15 and 19.

Page 24, lines 13 and 17.

Page 25, line 12.

Page 26, line 12.

Page 27, line 24.

Page 29, line 9.

Page 30, line 2.

Strike: "\$1,000"

Insert: "\$500"

3. Page 27, lines 2 and 3.

Strike: "that" on line 2 through "person's" on line 3

Insert: "the"

Following: "condition" on line 3

Insert: "of the person making or directing another to make the statement".

[Handwritten signature]
1-26-93
11:20

10 aye

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 1-22-93 BILL NO. HB 142 NUMBER 17

MOTION: Reduce Threshold from \$1,000 to \$500
Passes 10-7; Rep. Smith abstained from voting.

NAME	AYE	NO
Rep. Russ Fagg, Chairman		✓
Rep. Randy Vogel, Vice-Chair	✓	
Rep. Dave Brown, Vice-Chair	✓	
Rep. Jodi Bird		✓
Rep. Ellen Bergman	✓	
Rep. Vivian Brooke		✓
Rep. Bob Clark	✓	
Rep. Duane Grimes	✓	
Rep. Scott McCulloch	✓	
Rep. Jim Rice	✓	
Rep. Angela Russell	✓	
Rep. Tim Sayles	✓	
Rep. Liz Smith	NO	VOTE
Rep. Bill Tash	✓	
Rep. Howard Toole		✓
Rep. Tim Whalen		✓
Rep. Karyl Winslow		✓
Rep. Diana Wyatt		✓
	10	7

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 1-22-93 BILL NO. HB 142 NUMBER 17

MOTION: DO Pass as amended carries 12-5; Rep.
Smith abstained from voting.

NAME	AYE	NO
Rep. Russ Fagg, Chairman	✓	
Rep. Randy Vogel, Vice-Chair	✓	
Rep. Dave Brown, Vice-Chair	✓	
Rep. Jodi Bird		✓
Rep. Ellen Bergman	✓	
Rep. Vivian Brooke	✓	
Rep. Bob Clark	✓	
Rep. Duane Grimes		✓
Rep. Scott McCulloch		✓
Rep. Jim Rice	✓	
Rep. Angela Russell	✓	
Rep. Tim Sayles	✓	
Rep. Liz Smith	NO	NOTE
Rep. Bill Tash	✓	
Rep. Howard Toole	✓	
Rep. Tim Whalen	✓	
Rep. Karyl Winslow		✓
Rep. Diana Wyatt		✓
	12	5

Senator Towe asked Ms. Guilkey about the funding for HB 238. Ms. Guilkey said the funding source, which is the through the Social Security Act, would provide for home based services. The funding would not come out of the general fund, but would utilize a federal source.

Senator Towe asked Ms. Guilkey about inquiring into a persons financial resources. Ms. Guilkey said the DFS currently can inquire into financial resources once the child is adjudicated and the agency is given temporary custody. HB 238 would allow the DFS to ask a parent for financial information to find out if they are eligible for the services before going into the court to require agency intervention legally. Ms. Guilkey said the funding of a federal agency would help provide home based services to prevent the removal of a child.

Closing by Sponsor:

Rep. Smith said HB 238 would assist the DFS and its efficiency of service. HB 238 would encourage families to be involved and responsible for their children. HB 238 would also assist eligibility for federal assistance programs and reduce the funding of the DFS. Rep. Smith urged support for HB 238.

HEARING ON HB 142

Opening Statement by Sponsor:

Representative Anderson, HB 142, said HB 142 would raise the threshold limit between a misdemeanor and felony. Rep. Anderson told the Committee that currently the threshold limit is \$300, which was raised in the House to \$500. Rep. Anderson asked the Committee to amend HB 142 to raise the threshold limit to \$750.

Proponents' Testimony:

Beth Baker, Department of Justice, and the Montana County Attorneys Association on behalf of John Conner, told the Committee which crimes would be affected by HB 142. Criminal mischief, theft, failure to return a rented or leased personal property, unlawful use of a computer, unauthorized transaction of food stamps, issuing a bad checks, deceptive practices, forgery, and false claims to public entities. Ms. Baker told the Committee that the last time the threshold limit was changed was in 1983. Ms. Baker said HB 142 would affect a number of cases that come before the Montana Supreme Court. HB 142 would not affect felony charges for a burglar if the property was entered with the intent to burglarize. HB 142 would not effect property crimes involving domesticated or hoofed animals. Ms. Baker urged support for HB 142.

Craig Hoppe, Montana Magistrates Association, urged support for HB 142. Mr. Hoppe told the Committee that after a third or subsequent event the court would have to issue a jail sentence of

not less than 30 days and the fine would be raised to \$1,000.

Mike McGrath, Montana County Attorney Association, (MCAA), told the Committee that HB 142 was submitted at their request. Mr. McGrath gave an example of a problem under the current law. If a person rents a VCR and a couple tapes and then fails to return the property, under the current law, it would be a felony because the amount would exceed \$300. Mr. McGrath said that kind of activity should be treated as a misdemeanor. Mr. McGrath told the Committee that the MCAA supports the amendment to raise the threshold to \$750 because of inflation and the legislature would not have to continue raising the amount each session.

Opponents' Testimony:
NONE

Questions From Committee Members and Responses:

Senator Towe asked Rep. Anderson about prosecuting misdemeanor cases. Rep. Anderson told the Committee that city courts would more vigorously prosecute misdemeanor cases than would the district court. City Courts are much more vigorous in pursuing restitution. Therefore, there is a better chance of preventing misdemeanor crimes because the defendants are more diligently prosecuted.

Chair Yellowtail asked Rep. Anderson if he thought the House would accept his amendment. Rep. Anderson said he thought the House would accept his amendment. Rep. Anderson asked the Committee to raise the penalty to \$750 if the amendment was accepted because if the penalty was increased for the crime, then amount of the goods stolen could be recovered.

Closing by Sponsor:

Representative Anderson urged the Committee to support HB 142.

EXECUTIVE ACTION ON HB 142

Motion/Vote:

Senator Blaylock moved to amend HB 142. (Exhibit #6) The motion CARRIED with Senator Bartlett voting NO.

Motion/Vote:

Senator Blaylock moved HB 142 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 507

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 24, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 142 (first reading copy -- white), respectfully report that House Bill No. 142 be amended as follows and as so amended be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, line 5.

Strike: "\$500"

Insert: "\$750"

2. Title, line 7.

Following: "~~CRIMES;~~"

Insert: "INCREASING PENALTIES FOR THOSE CRIMES;"

3. Page 17, line 18.

Page 17, line 21.

Page 19, line 12.

Page 19, line 16.

Page 22, line 3.

Page 22, line 4.

Page 22, line 14.

Page 23, line 21.

Page 23, line 22.

Page 24, line 1.

Page 24, line 20.

Page 24, line 21.

Page 24, line 24.

Page 25, line 15.

Page 25, line 20.

Page 26, line 15.

Page 26, line 20.

Page 28, line 6.

Page 28, line 11.

Page 29, line 17.

Page 29, line 22.

Page 30, line 10.

Page 30, line 15.

Strike: "\$500"

Insert: "\$750"

Amd. Coord.
Sec. of Senate

Doherty
Senator Carrying Bill

661234SC.San

4. Page 22, line 7.
Following: the first "THAN"
Insert: "not less than"
Following: "\$1,000"
Insert: "or more than \$750"

-END-

Amendments to House Bill No. 142
Third Reading Copy (BLUE)

For the Committee on Judiciary

Prepared by Valencia Lane
March 23, 1993

1. Title, line 5.

Strike: "\$500"

Insert: "\$750"

2. Title, line 7.

Following: "~~CRIMES,~~"

Insert: "INCREASING PENALTIES FOR THOSE CRIMES;"

3. Page 17, line 18.

Page 17, line 21.

Page 19, line 12.

Page 19, line 16.

Page 22, line 3.

Page 22, line 4.

Page 22, line 14.

Page 23, line 21.

Page 23, line 22.

Page 24, line 1.

Page 24, line 20.

Page 24, line 21.

Page 24, line 24.

Page 25, line 15.

Page 25, line 20.

Page 26, line 15.

Page 26, line 20.

Page 28, line 6.

Page 28, line 11.

Page 29, line 17.

Page 29, line 22.

Page 30, line 10.

Page 30, line 15.

Strike: "\$500"

Insert: "\$750"

4. Page 22, line 7.

Following: the first "~~THAN~~"

Insert: "not less than"

Following: "~~\$1,000~~"

Insert: "or more than \$750"

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 6

DATE 3-23-93

BILL NO. HB 142